# VIRGINIA REPUBLICANS.

Meeting of the State Convention at Lynchburg To-Day.

CONKLING QUOTATIONS ADVANCING.

Objections to Other Prominent Candidates Considered Seriatim.

A PLOT TO CARRY THE STATE.

MOND, Va., April 11, 1876. The incoming trains this evening were througed with delegates to the Republican State Convention, which meets here to-morrow at twelve o'clock. Full delegations from every county in the State are present, making a representation of 138 members. The complexion of the body will be notable for the large num ber of whites it will contain; but, still, a majority of the delegates are colored. Four delegates at large and two from each of the nine Congressional districts in the State, making twenty-two in all, are to be elected to the Cincinnati Convention; two electors from the State at large and one from each district are also to be chosen A State Central and Executive Commite are to be formed and a platform adopted. All the ofels are crowded and, for once the republicans can lay claims to holding a convention respectable in ap-pearance as well as numbers. All the intellect that the party can boast of is here, and such canvassing and wirepulling has never been witnessed in Lynch-burg before. The partisans of wonking and Blaine are actively at work, and every ten minutes brings

CONKLING'S PROSTROTS.

After a full and free interchange of opinion among the delegates and leading republicans assembled here I and there is a strong feeling in favor of Senator the centennial contest. This arises from a due appre-ciation of his high character, his honesty and unim-penchable integrity. Backed by the Empire State, too, they consider him the safest among the aspirants for the nomination. Bristow is popular among them; but he is not considered even in the field, and, not being supported by any known party organizers, he has no following in this State. Next comes ex-Speaker Blaine, who has developed a political tact and energy here in Virginia that is wonderful. But, unfortunately for him, there are shrewd politicians here, too, and

BLAINE IS TRICKY.

It is alleged here that Blaine played for the democratic nomination while Speaker of the House; but, finding his chances were nil in that direction, he re-sorted to the tactics of sectional discord and animosity by the revival of the sail memories of Andersonville,
This won't do down this way, where both democrats
and republicans are in favor of reconciliation and the
secure and final interment of all the disturbing elements and bad feeling engendered by the war.

has some friends, but they are, for the same reason, on account of his "bloody shirt" doctrines, scarcely worth mentioning, and his name will hardly be brought forward to-morrow. But, to explain the situation in the State, the great body of republican voters are indifferent as to the man who shall be their Presidential candidate, and are neither partisans nor opponents of any particular aspirant. If this feeling, so broadly actuating the mass of the voters of the party, he represented here to-morrow there will be no explicitly actually the mass of the voters of the party, he represented here to-morrow there will be no expression of the State in the Cincinnati Convention. This conservative feeling is more conspicuously represented in the State by such men as Judge Alexander H. Rives, of the United States Court for the Western district of the State; Judge Robert W. Hughes, of the Eastern district; Major Edward MacMahon, of Staunton, cousin of the Dake of Magenta, now Marshal MacMahon and President of the French Republic; Franklin Stearns, of Richmoud, probably the wealthiest man in the State; ex-Senator John F. Lewis, who is the immediate representative of the historic Virginia family of that name; Hon. John Ambler Smith, ex-member of Congress; Major Yost, of Staunton; General William C. Wickham, and many others of like standing and character. I mention these particularly, because I aminformed they are strongly in layer of Senator Conkling, ennecount of his well known conservative republicant and the state in the content of the swell known conservative republicant and the state in the conservative republicant and the state in the content of the swell known conservative republicant and character.

These have been exceedingly vigorous and industrious at all the county meetings which have been held for the appointment of delegates, and at one time it had almost been reduced to a certainty that the Convention was already packed for Biane. A counter movement was, however, inaugurated in the nick of time and has succeeded to a great extent in checking up the Biane programme, though how far cannot be definitely stated until the Convention assembles tomorrow. A very large preportion of the delegates came here uninstructed, and whether the effort of the Biaine mea, which will be made, to instruct the Cincinnati delegation in his favor or to send an uninstructed delegation in his favor or to send an uninstructed delegation which will be done among the delegates upon their arrival and in the Convention.

As all active movements must have a leader onder whose auspices to light, the party opposed to sending a delegation to Cincinnati already ticketed and labelled for Blaine have made their batte in the name of Mr. Conking, who has developed a surprising personal strength with surprising rapidity. The success of this counter movement has been so great and so quick that its more active managers are this evening entertaining hopes of their ability even to pass resolutions declaring

its more active managers are this evening entertaining hopes of their ability even to pass resolutions declaring a PREYERENCE FOR CONKLING.

Fortunately, too, for the Conkling party the two most active and influential leaders in behalf of Mr. Is the Chandler, reported to be dead under the most distressing circumstances; the other is Mr. Is H. Chandler, reported to be dead under the most distressing circumstances; the other is Mr. James H. Platt, who is called to his home in Vermont by the death of his father. The loss of these captains will be fatal to the Blaine party to-morrow, and there is no predicting what may not be the success of the counter movement under such strong and vigorous party leaders as Ron. John Ambler Smith, Colonel John H. Popham, John Braxton, Henry Rives, Samuel Yost and others as skilful and able for such work as they have in band. Countenanced as Conkling's fing will be by ex-Senator Lewis, and reinforced by General William C. Wickham and Major Richard Carter, both of the latter relatives of the Lee family, it is destined to CARRY THE CONVENTION.

Triumphantif, and, if predictions to night are correct, by sterm. Thus the situation illustrates a truth which often takes place in the ups and dewas of politics, the very success and prominence of a man like that of Mr. Blaine being the cause of his discountiure and defeat. I would add, apropos of the movement here, that the report that Judge Morton, ex-Chairman of the Republican State Committee, received the appointment of special agent in the Post Office Department in order to atvance the interests of Mr. Conkling is untrue, Judge Morton got an office which he had been begging for six moothe, and which he safily needed to sustain himself and family, and while he lawers Conkling, he does it from choice and not for a price. It is understood, however, that the colities.

An important rumor, which, if true, will create the lead of Virginia, will go to Cincinnati instructed to

the lead of Virginia, will go to Cincinnati instructed to support him.

As important rumor, which, if true, will create great excisement in this State, is that Mr. James H. Platt is to be appointed receiver of the Atlantic Mississippi Railroad by Judge Bond, of the United States Circuit Court, before whom application for a receiver is now pending. Mr. Platt has no pecuniary interest in the road, which runs from Norfoix, on the coast, to Bristol, on the Tennessee border. The object of this appointment of Platt as receiver of the road and custodian of its \$26,000,000 worth of property is not intended to protect its interests or the interests of the bondholders, but to carry the State of Virginia in the next Presidential election. As a federal office-holder remarked:—

bondholders, but to carry the State of Virginia in the next Presidential election. As a federal office-holder remarked:—
"If this road elected Walker Governor and Kemper Governor, why can't we make it elect a republican Governor, why can't we make it elect a republican nomines act. November?"

It is hardly possible they could do either, even with the road; but if such a bargain is consummated it will be an unparalleled outrage on the people of Virginia and on the bondholders.

LATER.

Much to the surprise of everybody, and since I have written the above, ex-Congressman Platt turned up here to-day. It sppears that when he got as far as New York, on Sunday, to attend the funeral of his fainer, he found no train to take him there in time, so, like an export and issilitie political manager, he turned round and came back. He heads the Blaine faction, claims a majority of the delegates in favor of his candidate, and is determined to make

A DESPERATE FIGHT
In the Convention. Both factions are said to have abandoned the idea of an instructed delegation, which had seen so enthusiastically promised the ex-speaker, and its lists is regarded as a backdown on the part of the Blainfiles. The latter now propose to force through the Convention a vote of preference for their favorite, but such a movement will meet with the most deter-

night there is GRRAY EXCITEMENT
among the delegates, and the probabilities are that the
Convention will be an unusually stormy one. The
inhy of office-holders in Mr. Halne's interest surprises everybody. There are nine clerks from the various departments in Washington and a corps from all
parts of the State who are urging his claims with vigor.

SOUTH CAROLINA REPUBLICANS.

PISTOLS AND CLUBS AS ARGUMENTS-QUARRELS ABOUT ORGANIZATION.

COLUMBIA, April 11, 1876. The Republican Convention for the State of South Carolina met here to-day in the ball of the House of Representatives. Ex-Congressman Elliott, as chairman of the State Executive Committee, called the Convention to order. A straggle was imminent from the start between the adherents of Govers's Chamberlain and Senator Patterson, the leaders of the right and left wings of the party into which it is now divided. Measrs. Ethott, Patterson, Whitemore, Whipper and Mones worked to keep out the contesting delegates from Charleston, Barnwell, Goenee and Horry counties, while Cardozo, Mackey and other Irlends of the State administration asked to have the contesting delegates from each county either admitted in whole or rejected, until after the action of the Committee on Credentials. Governor Chamberlain made a strong speech in favor of harmony. President Elliott decided to admit the Patterson-Howen delegations to places on the roll. This caused tremendous confusion, in which Judgo Mackey charged that the convention and State is in the hands of a band of robbers. The epithets liar and viliain were hurled at each other. Mackey drew his pistol on Elliott and Elliott drew on him. Pistols were at once seen in the hands of half the delegates; chairs and sticks were upilited, ready for attack or defence. Some Northern ladies visiting here, who were present, fainted. The wife of the Speaker had to be carried out. Bloodshed was imminent. Senator Patterson ran out of the hall scared. The Northern reporters enjoyed the scene, while leading democrats in the gallery looked happy. At length the storm subsided and the timid returned, when a temporary organisation was effected by electing State Senator Swalls (colored) Chairman. A Committee on Credentials was appointed, consisting of one member from each county. Several influential agents of Morton are here. The Convention met at sever P. M. The Committee on Credentials are still out, and no other business has been transacted. A difficulty is looked for to-merrow. called the Convention to order. A struggl

THE SURROGATE.

FUNERAL SERVICES TESTERDAY-THE REMAINS REMOVED TO ALBANY FOR INTERMENT-A SUCCESSOR APPOINTED.

Yesterday the last solemn rites of the church were performed over the remains of Stephen D. Van Schaick, and his body was committed to the care of surrounding friends who will watch over the closing of his grave at Albany. The impressive ceremony preceding the departure of the body from New York, was held in the Church of the Messiah, at Thirty-fourth street and Park avenue. Over the casket weeping friends had laid their tributes of living flowers and, with emblematic columns, crowns and crosses, given testimony of the fulness of his life. crosses, given testimony of the luthers of the The services were commenced by the performance on the organ, by Professor Edward Howe, of the larghetto from Beethoven's seventh symphony, followed by the funeral chant, "Lord, let me know mine end," performed by the followed by the follow me know mine end," performed by the following soloists:—Miss Amanda Wells, soprano;

me know mine end," performed by the following soloists:—Miss Amanda Wells, soprano; Mr. B. Betts, alto, and Mr. S. H. P. Meigs, basso. The Rev. Dr. W. R. Alger then briefly addressed the congregation on the necessity of submitting to the will of God in all things. He declined to deliver any culogy on the decessed, as he had been best known to bis associates and friends, and his modesty, while alive, would have shrunk from any such display.

After the address the King's College funeral service of the Unitarian Church was solmanly read by the pastor, concluding with the committal and prayer, loonar's beautiful hyms, "Beyond the Smiling and the Weeping," was next sung, Miss Wells performing the sole, after which the benediction was delivered by the pastor. The floral olderings were chasto and numerous. At the head of the collin stoou a large and beautiful cross of roses and immortelies presented by ex-Surrogate Hutchings. On the bore was a crowp, handsomely done in flowers, presented by Dexter A. Hawkins and John Babocek, the trustees of the Church of the Messiah, of which the decessed was a nember. To the left of the comfin was a ship made of roses, with sails of orape, and on the topmast was perched a dove, bearing an olive branch, presented by Mrs. Hutchings. To the right was a column of the Surrogate's Office, and bearing the inspection in violets, "160 Our Friend and Chief." Crosses, wreath, anchors, hearts and columns formed the balance of the decessed. The family and immediate friends of the decessed was the surrogate's Office, and bearing the inspection of the orape color, heart of the comfined the pallbearers. The gentlemen who acted as pullbearers were Mavor Wickham, Thurlow Weed, William Calien Bryant, John E Parsons, Judge Hooper, Judge Peaholy, Judge Selet, District Attorney Phelps, Comptroller Green, Joseph H. Choare, Salom H. Wales, Commissioner Wheeler, E. J. Medrau.

The ovidence was excluded and the Court took a research to review the part of the confined was pullbearers. The gentlemen who acted services were:—Judge Davis, Judge Curtis, Judge Donohue, Judge Peabody, Judge Speir, District Attorney Phelps, Comptroller Green, Joseph H. Choate, Salem H. Waies, Commissioner Wheeler, E. J. McGrau, Stephen Hutchings, Police Justices Kasmire, Flammer, Kilbreth, Suurray, Wandall, Wheeler and Duffy; Cierk Sparks, of the Court of Oyer and Terminer; Rev. Mr. Dunnell, Alderman Hess and others.

After the religious ceremony the gentlemen of the Surrogate's Office, preceded by the pail bearers, convoyed the body from the church; thence it was taken to the Hudson River Railway, and over that line to Albury, where it will be interred.

A SUCCESSOR APPOINTED.

The Board of Supervisors met at the City Hall at three o'clock yesterday afternoon, Mr. Samuel A. Lewis in the chair, for the purpose of electing a successor to late Surrogate van Schaick. Considerable interest was manifested in the proceedings. Mayor Wickham, Recorder Hackett and Colonet Harrison were present.

present.
The roll of members being called, Mr. Hess requested that the names of Mayor Wickham and Recorder Hackett be added to the list as members of the Hoard.
Mr. Purroy submitted that these gentlemen had no right to take part in the proceedings of the Supervisors. Such power had been taken away under the consolidation act passed in 1874. He therefore raised this result of order.

taken.

Recorder Hackett—Before going any further I should like to offer my protest against this action. I have but one proposition to offer.

Mr. Purroy (interrupting the Recorder) insisted that such a protest should come from a member of the Board. Recorder Hackett had no right to appear m

Mr. Pinkney appealed from the decision of the Chair, and the decision was sustained by a vote of 12 to 8.

Mr. Cole then offered a resolution nominating Delano C. Calvin for Surrogate in place of 8 D. Van Schaick, decased.

The motion was seconded by Mr. John Reilly.
Mr. Morris offered an amendment, suggesting the name of Henry E. Howland.
Mr. Bryan Reilly noministed Dennis McMahon.
Mr. Pinkney did not-think it a proper thing to elect Mr. Calvin. He had been defeated last November for Surrogate by a majority of some 26,000 votes.
Mr. Purroy detended Mr. Calvin's position.
Mr. Bryan Reilly said the gentleman he had named for the piace, Mr. Dennis McMahon, was not a squatter from some town in the interior of the States. Mr. Calvin was not a resident of the city of New York and did not pay taxes here. Mr. McMahon did reside in New York with bis family and his whole interests contred in this city.

After some further discussion the vote was taken upon the election of Mr. Calvin, when 13 votes were cast in his favor and 8 ausinat; the Tammany domocrats voting in the affirmative and seven republicans and Mr. Bryan Reilly, the anti-Tammany domocrats voting in the affirmative and seven republicans and Mr. Bryan Reilly, the anti-Tammany domocrats voting in the affirmative and seven republicans and Mr. Bryan Reilly, the anti-Tammany domocrats when the vote was declared, the Supervisors adjourned and organized as Aldermen, when the same form of election was pursued, so as to prevent any legal difficulty that might arise.

It is understood that Mr. Calvin will hand over his salary to the widow of the deceased. The fees of the office are very large and will probably be retained by the Surrogate. Mr. Calvin bolds office until the Board of Canvassers announce the result of the next general election. He will be sworn into office to morrow.

Mesers, Augustus Schell and James S. Thayer hecome his surcties in \$50,000.

## A BURGLAR'S ESCAPE

John Lang, alias "Jaker," a noted Newark burglar, escaped from two officers while being escorted from the coart room to the prison yesterday. Lang had just been arraigned on three charges of burglary, to which he pleaded guilty, and was being fromoved without hundedfis, when he made his escape. He has not been

# THE COURTS.

Important Decision in the Case of the Abandoned Steamer Amerique.

THE BLACK FRIDAY SUIT.

L'Amérique, running between New York and Havre, on her last trip preceding her abandonment at sea on the 14th of April, 1874, was John P. Reed. The circumstances attending the abandonment of the steamer by her captain and crew and the subsequent inding of her adrift upon the ocean by two English steamers. which towed her into Plymouth, England, have already been fully given in the HERALD. Mr. Reed brought suit in the Marine Court against the owners of L'Amérique, known under the chartered name and the Compagnio Générale Transatlantique, to recover the vaine of his baggage. The suit was tried before Judge McAdam, at Special Term, Mr. Benjamin F. Russell appearing for the plaintiff and Mr. Walter L. Livingstone representing the ateamship company. A decision in the case was given yesterday by Judge McAdam, who, after reciting the circumstances of the

of her disabling and abandonment, of her being picked up and towed into Plymouth, England, says:—

The plaintiff contended that the safe arrival of the Amérique at Plymouth, together with the fact that five of her compartments were even then water tight, conclusively demonstrates that she was not in a sinking condition when abandoned by her officers and crew, and that the abandonment was, therefore, ill advised and unnecessary. While this argument has significant force on the ulterior question of hability for the lost baggage, it is to be accepted in a modified form in regard to the transfer of passengers, for the reason that the conduct of the officers is not to be judged in the light of after events, but necording to the creumssances in which they are found when called upon to make a choice of an embarrassing alternative. (Faulkner va Wright, I Rice on p. 121.) They could not be oblivious to their responsibility for the lives of their passengers, intrusted to their care, and the conviction of immunent danger which seems to have been shared by them all may be taken as a justification for their transfer to the relieving vessels without approving of the total abandonment of the steamer or excuving the defendants from their liability as insurers for the safe carriage and delivery of the passengers baggage at the port of destination. Common carriers as a role are limble for all damages and loss to goods during the carriage, from whatever cause, unless from the act of God, which is limited to acvitable accident, or from the public enemy (Redfield on Carriers, sec. 24), and the exceptions to the rule are limited to accidents which cone from a lorce superior to all human agency irom the cause of the injury or loss. The plaintiff's property was piliaged while upon the defendants' vessel, and as insurers against theft and robbery the delendants must make the loss good. The peculiar circumstances which cone from a lorce augue of the liquity or loss. The plaintiff will therefore be entitled to judgment to \$500, the usses

THE BLACK FRIDAY SUIT.

The trial of the Taylor-Gould aut was resumed yes-terday before Judge Barrett. The day's proceedings opened with the further examination of Mr. Peresh, the Wall street broker, but his additional testimony was simply a resteration of his story when first called

Robert Meeks Thompson, a broker, was next put upon the stand. He testified that he knew Speyers and

JAMES WATSON WEBB'S CASE.

The case of the United States against General James Watson Webb was resumed yesterday in the United States District Court, before Judge Blatchford and a jury. The defendant took the stand and testified in his own behalf, and claimed that the United States government had approved of his course in the matter of the claim against the Brazilian government. This point defendant's counsel presented forcibly to the attention of the jury. Is-ue was taken by the District Attorney on this point, and Judge Blatchlord ruled that the government could not be taken as supporting General Webb's conduct on points where he acted without instructions, nor in any particular where the facts are not fully communicated to the government. Judge Blatchlord's rolling was generally accepted as ending the case.

SUPREME COURT-CHAMBERS.

By Judge Ponohue.
Collina vs. Collins.—Opinion.
Hyman vs. Abrahams.—Memorandum.
The Christopher and Tenth Street Railroad Company
vs. Central Crosstown Railroad Company.—Motion de-

nied.

O'Brien vs. Browning; Lowerre vs. Wagstaff et al.;
Ruhe vs. Lawe, &c.—Motions granted.
Smith vs. Armstrong.—Motion denied.
By Judge Barrett.
Partridge vs. Thayer.—Order settled as proposed by defendant.

Nussbaum vs. Lavferty.—This order is not strictly
in scordance with the decision. Let notice of settlement of two days be given.

Kelty vs. Cortelyou.—Motion granted for second

unless the defendant pays all arrears of taxes to and including the year 1873 within ten days, and the taxes of the years 1874 and 1873 and all unpaid assessments within twenty days; \$10 costs to the successful party to abide the event.

Simon vs. Simon et al.—(1.) There was laches. The motion was not made until after the report of sale was confirmed. (2.) Inadequacy of consideration, it is well settled, is insufficient. But here the proof is overwhelming that the property brought all it was worth. (3.) As to collusion, on defendant's own showing, nothing was done except what the parties had a perfect right to do, and a legitimate and proper understanding is not affected by calling it collusive. (4.) It is against public policy and against the true interests of mortgagors to set aside sales fairly made upon light grounds. It is to the interest of all purties that purchasers should understand that their bargains will not be disturbed merely because they are good bargains. This motion must be denied, with \$10 costs.

Freund vs. the importers and Traders' Bank.—Case and amendments as allowed and settled.

In the matter of Boyd.—Order granted.

By Judge Brady.

Schelling vs. Schelling.—the defendant states that the planniff admitted to him that she carned \$9 a week, and this is an answer to the motion for almony while the suit is pending. It is not as to connect lee, and the defendant must pay \$35. He does not deny the abandonment. The planniff may renew the motion on urither afficavitis if deemed advisable. No costs on this motion. The condition nunexed to the marriage contract cannot be courtenanced.

Cardwell vs. McKenna.—Receiver appointed; bend \$200.

Harrington vs. Atwood.—Mr. Kemble affected the receipt of money from the defendant and ignerance of the precise amount. The sum due the planniff, it any, is the important question in the case, and all inquiries on that subject are, in my judgment, relevant and important wond my subject are, and my judgment, relevant and important duestion by a my judgment, releva

is the important question in the case, and all inquiries on that subject are, in my judy ment, relevant and important.

Wood vs. Wail.—The response to this motion shows admissions made by the colondant that the answer was put in for delay, and that the note in suit was "all right." This is not gainsaid on the papers, except so far as the answer does it, which, on an application like this, is not sufficient. It may be that the defendant can explain, and, it so, they must seek a further remedy. Motion denied.

Frank et al. vs. Evers.—The order for further time to answer is so far modified as to require the defendant to accept totice of trust for May next.

The Commercial Bank vs. Ackerman.—Granted.

The Lenox Fire Insurance Company vs. Gaige et al.—This motion is denied, if other parties claim the fee they must protect it by such means as they may adopt against items and encombrances. The parties in possession held by virtue of a judgment, and cannot be placed under burdens by persons claiming title, not withstanding the judgment.

The Christopher and Tenth Street Railroad Company vs. the Central Cross-Town Railroad Company.—I think the defendants should be spermitted to take the testimony in reference to damages and to have them ascertained and settled, but that the collection of them should be stayed until the determination of the appeal taken. This will prevent the prejudice which may result from delay to the defendants claim. Ordered accordingly and cause referred for that purpose.

Bradhurst vs. Lloyd.—The amendments are important. It would be unreasonable not to grant the motion to allow it to be made. If the effect of it is to destroy all defences then the plaintiff must pay all the costs. If not then it is allowed to be done on payment of \$10 costs.

Lyddy vs. McLean.—The time expired yesterday

stroy all defences then the plaintiff must pay all the costs. If not then it is allowed to be done on payment of \$10 costs.

Lyddy vs. McLean.—The time expired yesterday which was allowed plaintiff to perfect the appeal. It a new undertaking was executed and served in time, and the justification shall be completed and satisfactory to the Court in five days from this date (April 11, 1876), then the order of Justice Barrett allowing six days may be regarded as complied with. It these events do not happen, then the detendants are to become entitled immediately to an order directing the payment of the money deposited in court.

Wattermire vs. Peck.—The answer made to the answer to open detault shows substantially that the deiendant Peck has had his day in court and was defeated. In the action brought against the officer who took the plaintiff's properly on Peck's attachment the latter was the real defendant, and it was his duty and the obligation of his promise to defend that action. He seems to have done so and unsuccessfully. The default cannot be opened under such circumstances, but the defendant may renew the motion on payment of \$10 costs, if so advised on new or additional lacts. Application to be made to the Justice holding Chambers.

SUPERIOR COURT—SPECIAL TERM.

SUPERIOR COURT-SPECIAL TERM. By Judge Speir.

Postly vs. Drickel et al.; Same vs. Same; Same vs. Same.—The motion that the defendant in the three abuve cases have leave to amend his answers is demed with costs. The plaintiff's motion to place the abuve cases on the short calendar grant d.

Elizabeth G. Pope vs. Alexander Pope.—Motion to appoint a referee herein is denied, with costs.

The People, &c., ex rel. Kauiman vs. Kauiman.—Procept allowed.

Lehmaier et al. vs. Griswold.—Motion denied, with

Lehmaier et al. vs. Griswold.—Motion denied, with costs.

Benver et al. vs. Duclos et al.—Let the defendant have further time until the 24th of April, 1876, at half-past ten o'clock, to have the whole issue in this action or any specific question of fact involved therein settled to be tries by a jury upon paying to the plaintiff attorney \$10 costs.

Du Bois vs. Miller.—Attachment discharged.

Tournede et al. vs. Homans.—Extra allowance granted to plaintiffs.

Jenny va. Tsliman.—Leave granted to plaintiff to amesid summons and complaint on payment of \$10 costs.

rets.
The Norfolk Silk Company vs. Baldwin et al.—Under-

taking approzed.

Leonard va Widde; Randle vs. Dusenbury; Hawk
vs. Winans; Pangborn vs. Emmons.—Orders granted. COMMON PLEAS-SPECIAL TERM.

By Judge C. P. Daly.

In the matter of Wolfebstiller to assume the name of Wolfe.—Application granted upon proof of entry of order of change of name in record of naturalization date of order.

Wright vs. Wright.—Schwartzwalder sufficient, Denuis is not. MARINE COURT-CHAMBERS.

By Judge McAdam.
Edson et al. vs. Smith-"Opinion" filed. Lovy vs. Levy. — Motion to dismiss granted. Greer vs. Tillinghast. — Motion granted. Walker vs. Smith; The Sateyuard Fire Insur-lompany vs. Leak. — Orders granted. Stuart vs. Wilmore. — Action dismissed.

COURT OF GENERAL SESSIONS.

Before Judge Gildersleeve. A FORGER AT THE BAR AFTER SIX TEARS. James B. Cummingford was yesterday placed on trial for a forgary alleged to have been committed six years ago. He was arrested on the 30th of November years ago. He was arrested on the 30th of November last. Cummingford and a companion named John Mitchell having been concerned in several swinding operations in this city became too well known to the police to make their residence here agreeable, and accordingly in the latter part of 1869 they took their departure for Baltimore, where they engaged in the grain trade. They became members of the Produce Exchange of that city. On the 10 h of March, 1870, Cummingford told Mr. O. H. Bergh, with whom he had become particularly intimate, that his partner Mitchell had \$50,000 which he wished to invest in government securities and asked to be recommended to a broker in New York who could be trusted to invest it judiciously. Mr. Bergh at once wrote for Mitchell a letter of introduction to his own correspondents, Charles Unger & Co., of No. 46 Exchange place, in this city. On the moraing of Merch 15, five days later, the two swinders entered the office of the latter itm, and, presenting the letter of Mr. Bergh, were treated with great respect. They stated that Mitchell desired to buy \$50,000 of five twenty bonds. After making great exertions, Mr. Unger succeeded in buying only \$40,000 worth. At two o'clock the same afternoon Cummingtor and Mitchell called again, and presenting a check or \$43,001 \$7 upon the Ninth National Bank of New York, purporting to be certified by Mr. Thomas, paying tel'er of that institution, the bonds were delivered to them and they departed. The check was deposited by Messrs. Unger & Co. in bank in the course of their business, and when the day for the exchange of bills and checks arrived it was returned to them as worthless, Mirchell having no account with the Ninth National Bank of the genuineness of the note oning a forgery. After an extensed scarch Cumminglier d was finally arrested in this city.

Mr. Charles Unger was the first witness called. He testified to his transaction with the presoner as detailed above. His examination had not been concluded when the Court adjourned. ast. Cummingford and a companion named John

COURT CALENDARS-THIS DAY. SUPERME COURT—CHAMBERS—Held by Judge Dono-hue —Nos. 72, 83, 87, 92, 93, 105, 129, 130, 162, 171, 202, 204, 211, 214, 224, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 302, 318, 328, 339, 346, 348, 350, 354, 357, 358, 359, 360.

Spratt vs. Craufield.—Order settled.
Golden vs. Heath.—I think plaint iff was justified in seeking better terms than were offered; but, upon the whole, the Court ought not to impose such as the attorney cannot comply with. Motion granted upon payment of \$10 costs.

The Lonners' Bank vs. Mahen et al.—The Court ought not to try the case upon affidavits. A good delence, if true, is set up, and the defendant ought not to be deprived of a fair opportunity of proving it merely because of an oversight of their attorney. The default must be opened upon payment within five days of \$30 trust fee, \$10 costs of this motion and the disbursements of the inquest.

Butler vs. Fairfield.—This an action for goods sold and delivered, pleased as such, and the plaintiff in his complaint has added to the proper averments on that head an allegation that the defendant was guilty of fraud in contracting such fraud. This is irrelevant matter, as he would be entitled to a verdict upon the trial upon proof if no affidavit save the sale and delivery ey of the goods. He cannot, by ongratting in his complaint the collateral facts, upon which he might have obtained an order of arrest, and by calling it an action for middle with the collateral facts, upon which he might have obtained an order of arrest, and by calling it an action for middle which is such, and his summons for reflect is submided in the plaintiff in his complaint the collateral facts, upon which he might have obtained an order of arrest, and by calling it an action for find dimake it such, and his summons for reflect is submided to the proper. The motion must be generally in proper. The motion must be generally in proper. The court on has jurisdiction, become a collect of paner required by law to be served ones not cover such cases as the present. This is not a notice or paner required by law to be served ones not cover such cases as the present referred does not cover such cases as the present referred does not cover such cases as the present referred does not cover on the fur

30c1, 2001, 30c2, 2247, 2360, 5305, 4006, 4011. Part 2—Heid by Judge Sheridan.—Nos. 3844, 7086, 5640, 2334, 2780, 5012, 2810, 7285, 7082, 5480, 5768, 4427, 3942, 3887, 5332. Part 3.—Heid by Chief Justice Shoa.—Nos. 6882, 6006, 4716, 6702, 5784, 7243, 6801, 6805, 193, 2180, 7304, 3508, 7144, 7140.

COURT OF GENERAL SESSIONS—Held by Judge Gildersleeve.—The Pougle vs. James Commingtord, forgery; Same vs. Thomas Allen, robbery; Same vs. Witham Lauz, grand larceny.

FUCHS SENTENCED TO DEATH. The Kings County Court of Oyer and Terminer was densely crowded yesterday with people anxious to hear the sentence of Andreas Fuchs. The prisoner had passed a sleepless night and looked pale, and traces of suffering were plainly distinguishable upon his un-prepossessing face. Shortly after ten o'clock Judge Pratt and Associate Justices McKinben and Wolfort took their seats on the bench. The prisoner was then brought forward, and, sentence being moved by District Attorney Britton, Fuchs was placed at the bar sup-

ported between two officers.

The Judge said:—" Andreas Fuchs, you will remember that you were indicted by the Grand Jury and con-victed by the Court-for the murder of William Simmous. You have been tried by a jury of your own countrymen and partly of your own selection, what now, if anything, have you to say why the sentence of this Court should not be pronounced against you?"

The prisoner said that he would like to know what

the Judge himself, or what Justice McKibben or Justice Wolfort would have done under the same circumstances that drove him to the act. The justices made no re-

that drove him to the act. The justices made no reply.

"Have you anything further to say?" inquired the Judge.

Fuchs said:—"I would like to have my wife to speak if it wak allowed. It is for her to know and to say if what I told is true. I would like to have the jury asked what they would do under the circumstances." Judge Prait said the jury was discharged by the Court and they could not be reached. The prisoner having nothing further to say the Judge continued:—"Andreas Fuchs, it now becomes the painful duty of the Court to pronounce the sentence which the law prescribes. You have been tried before a jury partly of your own selection. Faithful, cloquent and zealous connosel have done everything possible in your behalf. The jury, under the evidence and under the charge of the Court, have found you guilty of murder in the first degree, and I feel bound to say that, under the cavidence and under the charge, as delivered to the jury, we feel that the verdict was just. Nothing that the Court can now do can avail anything for your belefit. Nothing remains but to pronounce the sentence. Listen to the sentence which the law prescribes for the offence of which you stand convicted. The sentence is that you be taken from this place to the County July, and that you be then and there confined till the 2d day of June, on which day, between the hours of ten and twelve o'clock, you shall be hanged by the neck till you are dead."

Fuchs' features became overspread with a ghastly snile as the last words were uttered by the Judge, and as he was led away he put on his hat and shook hands with his counsel, who addressed a few words of comfort to their unfortunate cheet. He had not long been gone from the court room when Mrs. Fuchs entered and was quite disappointed when she learned she was too late to see her husband.

Fuchs 'lea irred weakened since Monday night. He told the officers that his heart was gone, and that he had not had a fair trial. He was quite confident up to Monday that he would get off with two or three years' "Have you anything further to say?" inquired the

COURT OF APPEALS

ALBANT, April 11, 1876.
In the Court of Appeals, Tucsday, April 11, 1876.—
DECISIONS HANDED DOWN.
Motion denied, with \$10 costs.—Excelsior Petroleum

Company vs. Dayton.
Mystion denied, without costs.—Rose vs. Hurd.
Judgment affirmed, with costs.—Hall vs. Om tha National Bank; Singson vs. Satterice; Simson vs. Simoneson; The Ewangolical Home vs. The Buffalo Hyd.
Association; Shultz vs. Crane; Kidd vs. Bottom; Earl

Judgment affirmed.—Jacobowsky vs. The People.
Judgment reversed and new trial granted, costs to abide event.—Woodgate vs. Fleet; Reynolds vs.

Robinson.
Order sfirmed and judgment for plaintiff on verdict, with costa.—Sims vs. Brown.
Order granting new trial reversed and judgment for plaintiff on verdict, with costs.—Ridey vs. Smith.
Appeals dismissed, with costs of one appeal only.—Vanderbit vs. Armstrong (three cases).
Judgment reversed and new trial granted.—McComb vs. The People.
Order affirmed and judgment absolute for defendants on stipulation, with costs.—The People vs. Horton.

ton.
Order affirmed, with costs.—The People ex rel. Cole-grove vs. Green; The People ex rel. Davis vs. Green; The People ex rel. Develin vs. Asten; The People ex rel. Tytler vs. Board of Revision, &s.; The People ex rel. Yelverton vs. Green; The People ex rel. Tone vs.

Green,
In reapplication.—Prospect Park, &c., Railroad.
Order modified so as to direct an alternative mandamus to issue instead of a peremptory mandamus.—
The People ex. rel. Mot vs. Board of Supervisors.
Appeal dismissed with costs.—Birdsail vs. Strobridge.

Harvey vs. Burnham.—Motion to open default. A. J. Parker for motion; Alfred C. Chapin opposed. Default opened on payment of costs of default and \$10 costs of motion.

design of payment of costs of default and \$10 costs of motion.

GENERAL CALENDAR.

No. 42 Ingersel vs. N. Y. C. and C. R. R.—Argument resumed and concluded.

No. 158. John Slingerland, respondent, vs. Erasmus Bennett, appellant.—Argues by J. H. Clute for appellant and A. J. Parker for respondent.

No. 20. Robert Miller, appellant, vs. Andrew Curtis, respondent.—Argued by Henry J. Boonett for appellant and James M. Varnum for respondent.

No. 41. Charles Saiter, administrator, &c., respondent, vs. The N. Y. C. and C. Raifroad appellant.—Argued by S. W. Jackson for appellant and E. W. Paigo for respondent.

No. 150. Mary Ann Hayward, respondent, vs. Mathew 7. Brennan, Sheriff, &c., appellant.—Argued by Edward Patterson for appellant and Edward M. Felt for respondent.

Adjourned.

Nos. 181. 25. 2016. CALENDAR.

Nos. 161, 25, 324, 12 1, 80, 64, 105 and 107.

SUPREME COURT CALENDAR. ROCHESTER, N. Y, April 11, 1876.

The following is the day calendar of the General
Term of the Supreme Court for Wednesday, April
12:-Nos. 6, 19, 38, 49, 83, 114, 127, 143, 148 and 151.

THE RIVER'S MYSTERIES.

IS THIS ANOTHER MURDER COME TO LIGHT?-THE PATE OF AN UNKNOWN VICTIM.

THE PATE OF AN UNKNOWN VICTIM.

Last Monday afternoon the body of an unknown man was found floating in the North River, near the foot of Eighteenth street. The body was removed to the Morgue by the officers of the Sixteenth precinct and the Coroner duly notified. Two dredging machines had been at work near by for some days and had prob-

causing the body to rise. amination of the remains at the Morgue yesterday morning. The body had been in the water over two months and was very much decomposed. The doctor's suspicions were aroused by finding that the right car of the deceased was nearly torn from the head. He made an autopsy of the corpse and found a wound five inches long on the right side of the head, with two fractures of the skull involving the right temple bone; one a depressed fracture, the other a fissure ex-tending balf way across the middle force of the skull.

tending half way across the middle fossa of the skull. There was a considerable amount of blood under the scalp. From the condition of the internal organs, the Doctor judged that the deceased had been a drinking man. The Boctor, on a careful examination of the wound in the head, came to the conclusion that it could not have been caused by the paidle-wheel of any steamer, but that it must have been THE RESULT OF A VERY BRACY BLOW.

The wound itself would have caused death.

A HERALD reporter, on learning these facts, at once proceeded to the Sixteenth precent station house in Twentieth street to learn further particulars. The sergeant there treated the matter lightly, advancing the theory that the man had been struck by one of the dredging machines already raterred to But this theory is unsustainable, because the wound was already covered with gangrene, and evidently over two months old.

From the station house the reporter proceeded to

old.

From the station house the reporter proceeded to the toot of Eighteenth street, where the body was found. The Manhatian dies Company use the piers here. The reporter found that none of the employes of the company had been missing during the period when the deceased was murdered. As soon as the subject was mentioned among the hands on the dock a crowd gathered around, all evidently angry that the matter had not been investigated and eager to give information.

matter had not been investigated and eager to give information.

John Kelly, a bright looking youth about twenty years of age, told the reporter that about difteen minutes past lour on the preceding evening he discovered an object floating in the water about hitteen yards from the builthead between Seventeenth and Eighteenth streets. Taking a row boat which was ned to the pier he rowed out, and floating the body of a drowned man tied a rope to it and lowed it to the pier. The boy informed officer Lee, who took charge of the body. Kelly guessed that the man was a sailor from the appearance of his dress. All were agreed that the cut in the man's head was an old one, and it appeared, as they said, 'just the same as if he gut a cut with an axe." In the deceased's pockets were found a pipe, a comb and a kine. There seemed to be no means for identifying him. He was about fifty years old, five lest eight inches high, had black hair, a smooth see, and were a black freek coat, black trousers, gray-mixed vest and a blue flansel blouse. A thorough investigation into the case will be made by Coroner Eickhoff at the inquest, the day for which has not yet been appointed.

# BOSS TWEED AS A BARON.

Affidavit of a Man Who Saw and Spoke to Him in Italy.

TRAVELLING "FOR HIS HEALTH."

There came to the HERALD office yesterday morning

a very small man, who looked, by reason of his brows skin, like one who had just finished a sea voyage. skin, like one who had just hinshed a sea voyage.
Although he spoke with an Italian accent his use of the
English tongue was very good, and as familiarity gres
upon him and he embellished his remarks with as
cecasional dash of pure New York slang, he unconsciously proclaimed himself to be one who had had a
long experience in Gotham. This individual, attired in long experience in Gotham. This individual, attired in native clothes and a variegated shirt, sought at the Herald office the "head reporter," to whom he had disclosures to make of a very startling character. The gentleman was treated with that great deference always accorded in newspaper offices to persons having startling information to impart, and was referred to a reporter, who was instructed to "take the gentleman's story." Imagination rather than description, may suggest the extent of that reporter's professional cestacy when, Mr. De Costa, that reporter's professional cestacey when, Mr. De Costa, the little foreigner, said, "I know where Tweed is!" The whereabouts of "the Boss," so long an enigma, was at last to be known, and the public to be informed was at last to be known, and the public to be informed of it by his pen through the HERALD! The next remark of Mr. De Costa, following immediately, who was rather incoherent and perplexing, said he, "If only I knew how much I now do I would be rich." The fused the reporter, who, on looking up at Mr. De Costs for an explanation, found him smiling, his head resting on his hand. "Yes," said he, interpreting the un-spoken Juterrogatory, "If I knew as much as I now do, I would be rich and be with the Boss." When the reporter ventured to inquire what the weighty information was which troubled his escaped." The valuable article, which gave promise of creating a sensation, diminished in the mind of the writer to a very stale item of news, and he was about to inform Mr. De Costa that the papers had mentioned the fact of Mr. Tweed's escape some time since, but Mr. De Costa anticipated the remark by saying, "If I knew that when I saw him in Italy I would not be here now." The communication of startling import changed to a reminiscence. Mr. De Costa had seen Twood at liberty in Europe, but did not at the time know he had escaped from his jailor. Gradually the dark-complexioned gentleman's uarrative unfolded itself and was to this effect:-

MR. DE COSTA'S STORY.

During the first week of March as Mr. De Costa was travelling from Genoa to Leghorn, per steamboat, he noticed a corpulent gentleman pacing the dock, and, knowing by his air and carriage that he was an American can, sought to get a glimpse of his face. He succeeded, and in the lineaments of the stranger he recognized William M. Tweed. Mr. Tweed did not know him, but he knew Mr. Tweed, and went up to speak to him. Here the narrative was interrupted by Mr. De Costa, who, placing his hand over his right ear, pensively remarked, "If I only knew he was escaped," Recover-ing from his regrets he continued the narrative. When he addressed Mr. Tweed "the old man," to uso Mr. De Costa's words, "didn't like it," and wisked a sig-nificant wink, which Mr. De Costa interpreted to enjoin De Costa's words, "didn't like it," and wisked a significant wink, which Mr. De Costa interproted to enjoin silence. Then Mr. Tweed withdrew from the gentleman in whose company he had been, and joined Mr. De Costa urther forward. Mr. Tweed did not recollect his interprogator, so he asked him how he, De Costa, recognized him. Mr. De Costa mentioned several little dinner parties which had been given by Mr. Tweed at Delmonico's, and told him that on several of these festive occasions he had waited upon table. Mr. Tweed said he was "glad to meet a friend from New York," and explained that he had "obtained a pardon and was making a tour of the Continent for the benefit of hesith." Mr. De Costa's hand again sought the side of his head, and as he drawled out the words "for the benefit of his health," his lace proclaimed the sorrow of his health," his lace proclaimed the sorrow of his heart at not knowing "he was escaped." Mr. De Costa "hoped Mr. Tweed would enjoy himself," and Mr. Tweed would enjoy himself," and Mr. Tweed recuprocated the kindness with a napoleon (about \$4 goid), and invited him to go below and regale himself. As to whether he went or not, the narrator is non-committal. In conversation subsequent to the presentation of the napoleon Mr. Tweed said to Mr. De Costa, "if I was not a damined fool I would have got off long ago, like Harry Genet and Tom Fields." The conversation was still in progress when Leghorn was reached. At parting Mr. Tweed invited Mr. De Costa called next morning, but did not that Mr. Tweed—said upon bim at the Hott Dattario. Mr. De Costa called next morning, but did not that Mr. Tweed—said estates in his alidavit. He found that "Barran" Tweed had been at another hotel in Via Borra, but had head.

Here and there throughout the narrative Mr. De

said Mr. De Costa, and again his hand sought his head.

Here and there throughout the narrative Mr. De Costa interjected culogistic remarks of the "old man's" liberality, and more than once instituted invidious comparisons between the "Boss" and other wealthy comparisons between the "Boss" and other wealthy inch. In conclusion, Mr. De Costa declared he would not now be in America to see the Centennial if he knew the was escaped." While he was in his company he thought he had been liberated by due process of law.

IN SWEARS TO THE STORY.

In order to lay greater stress upon his assertions Mr. De Costa made the following affidavit to the facts stated above:—
CITY AND COUNTY OF New York.

In order to lay greater stress upon his assertions Mr. De Costa made the following affidavit to the lacts stated above;—

City AND COUNTY OF New Your, St. —Antonio De Costa, Sching duly sworn, deposes and says;—He is a native of Laghard, and the control of the

BROOKLYN'S TAX OFFICE FRAUDS

This morning the trial of Isaac Badeau, ex-Tax Col lector of Brooklyn, will be commenced in the City Court, before Chief Justice Nielson and a jury. Be-Court, before Chief Justice Nicison and a jury. Bedean is charged with retaining the interest which some
mulated on the city funds during the years 1870-71-72.
The total amount slieged to have been inflawfully appropriated was \$65,780-77. This case was tried in October, 1874, when the jury disagreed, the trial having
occupied eight daya. Much interest is manifested in
the case in political and in legal circles. In the civil
nuit which was instituted against Badeau a settlement
was recently agreed upon by which he turned over to
the city upward of \$30,000 in real estate and benda.

## A DISGRACED FATHER'S LOVE.

John Heavey, the canal boatman awaiting trial is Jersey City for the murder of a fellow-boatman whe

## ATTEMPTED SUICIDE.

Yesterday afternoon James Murphy, formerly a fire man, aged forty-one, of No. 154 West Twenty-eighth street, shot himself in the right long with a pistol, in front of No. 47 West Twentreth street. He was taken to Bellevue Hospital in a very critical condition.

MAD DOGS.

Two mad dogs were killed by policemen yesterday, one in the Twenty-third and one in the Seventeenth